

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

COREY EDWARD FISHERMAN,

Case No. 17-CV-2320 (PJS/ECW)

Plaintiff,

v.

ORDER

JERED MCGRIFF, BRADLEY DUPRE,
KRISTIN JACOBS, VICKI DEAN-
GRAMLICH, JACK SERIER, and
“KRISTIN,”

Defendants.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Elizabeth Cowan Wright dated January 18, 2019. No objections have been filed to that Report and Recommendation in the time period permitted.

The Court, being duly advised in the premises, upon the Report and Recommendation of the Magistrate Judge, and upon all of the files, records and proceedings herein, now makes and enters the following Order.

IT IS HEREBY ORDERED that:

1. Defendant Bradley Dupre, M.D.’s Joinder in Defendants Jered McGriff’s and Jack Serier’s Motion to Dismiss (Dkt. No. 50) and the Joinder of Defendant Dr. Kristin Jacobs to Defendants McGriff’s and Serier’s Motion to Dismiss and Defendant Dupre’s Motion for Summary Judgment (Dkt. No. 66) are **GRANTED**.
2. This action is **DISMISSED WITHOUT PREJUDICE** with respect to Defendant “Kristin.”
3. The Motion for Summary Judgment by Defendant Bradley Dupre, M.D. (Dkt. No. 52) is **GRANTED**.

4. Defendant Vicki Dean-Gramlich's Motion for Summary Judgment (Dkt. No. 61) is **GRANTED**.
5. Defendants McGriff's and Serier's Motion to Dismiss (Dkt. No. 45) is **GRANTED**.
6. Plaintiff's claims against Defendants Bradley Dupre, M.D., Vicki Dean-Gramlich, Kristin Jacobs, and Jack Serier are **DISMISSED WITH PREJUDICE**.
7. Fisherman's claims against McGriff in his official capacity are **DISMISSED WITHOUT PREJUDICE**. Fisherman has 14 days from the date of this Order to file a one-page statement indicating whether Fisherman seeks to pursue individual capacity claims against McGriff. If Fisherman decides to bring his claims against McGriff in McGriff's individual capacity, McGriff may file a new summary judgment motion addressing Fisherman's claims against him.

LET JUDGMENT BE ENTERED ACCORDINGLY AS TO DEFENDANTS BRADLEY DUPRE, M.D., "KRISTIN", VICKI DEAN-GRAMLICH, KRISTIN JACOBS, AND JACK SERIER.

DATED: 2/13/19

s/Patrick J. Schiltz
PATRICK J. SCHILTZ
United States District Court Judge